

REMARKS

Reconsideration of the application in view of the following remarks is requested. Claims 10-17 and 20-32 are in this application. Claims 1-9 and 18-19 have been cancelled. Claims 10-17, 20-24, and 28-32 have been allowed.

The Examiner rejected claims 25-26 under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Racanelli (U.S. Patent No. 6,534,372). The Examiner also rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Racanelli and further in view of Shakuda (U.S. Patent No. 6,376,866). For the reasons set forth below, applicant respectfully traverses this rejection.

The Racanelli reference has a filing date of November 22, 2000 and, therefore, is effective as a reference from that date forward. In contrast, the present application has a filing date of October 17, 2000. Since the filing date of the present application precedes the filing date of the Racanelli reference, the Racanelli reference may not be used as a reference against the present application.

As a result, claims 25-26 are patentable over AAPA in view of Racanelli, and claim 27 is patentable over AAPA in view of Racanelli and further in view of Shakuda. With respect to the art rejection made by the Examiner, applicant notes that the Examiner mistakenly identified polysilicon emitter 130 shown in FIG. 1 of Racanelli as an emitter contact. As shown in FIG. 1 of AAPA, the emitter 18 and the emitter contact 28 are different structures.

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Thus, for the foregoing reasons, it is submitted that all of the claims are in a condition for allowance. Therefore, the Examiner's early re-examination and reconsideration are requested.

Respectfully submitted,

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